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10 Attorneys for Defendant,  
11 SUNRISE SENIOR LIVING MANAGEMENT, INC.

12 **UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

14 ELEANOR WILSON, by and through  
15 her Guardian ad Litem DEBORAH GRAY,

16 Plaintiff,

17 vs.

18 SUNRISE SENIOR LIVING  
19 MANAGEMENT, INC, and Does 1-20,  
20 inclusive.

21 Defendants.

Case No.: CV 10 2880 EMC

[RE: Sonoma County Superior Court  
Case No. SCV 246937]

**[PROPOSED] ORDER TO  
REMAND UPON STIPULATION**

Trial Date: None

22  
23 In light of the Stipulation to Remand by and between the parties, plaintiff  
24 Eleanor Wilson, by and through her Guardian ad Litem, Deborah Gray, and  
25 defendant Sunrise Senior Living Management, Inc., through their respective  
26 counsel of record, which is attached to this Order as “Exhibit 1” and incorporated  
27 herein by reference, and based on plaintiff’s post removal stipulation as to the  
28 reduced amount in controversy, and that the amount in controversy no longer  
satisfies the jurisdictional requirements to maintain this action in the United States

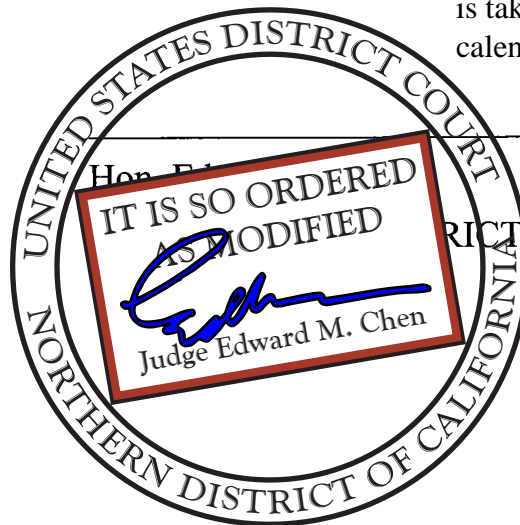
1 District Court pursuant to 28 U.S.C. §§ 1332 and 1441,

2 The Court hereby finds good cause to remand this case, and hereby orders  
3 that the entire above-captioned action be remanded to the Superior Court for the  
4 State of California for the County of Sonoma.

5 It is further ordered that this order to remand shall not affect defendant  
6 Sunrise Senior Living Management, Inc.'s right to remove the action again if  
7 plaintiff tries to avoid the amount in controversy stipulation.

The 9/22/10 hearing  
is taken off  
calendar.

8  
9 Dated: 9/21/10



**EXHIBIT 1**

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Attorneys for Defendant,  
SUNRISE SENIOR LIVING MANAGEMENT, INC.

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO**

ELEANOR WILSON, by and through  
her Guardian ad Litem DEBORAH  
GRAY,

Plaintiff,

vs.

SUNRISE SENIOR LIVING  
MANAGEMENT, INC., and Does 1-  
20, inclusive.

Defendants.

Case No.: CV 10 2880 EMC

[RE: Sonoma County Superior Court  
Case No. SCV 246937]

**STIPULATION TO REMAND**

Assigned to: Hon. Edward M. Chen

Trial Date: None

**WHEREAS** the entire above-captioned matter, having been removed by  
defendant Sunrise Senior Living Management, Inc. to the United States District  
Court for the Northern District of California, pursuant to 28 U.S.C. §§ 1332 and  
1441 on June 30, 2010, on the grounds that there exists complete diversity of  
citizenship, as plaintiff and the defendant are not citizens of the same state, and the

1 amount in controversy exceeds \$75,000, exclusive of interest and costs;

2       **WHEREAS**, after removal was effected, plaintiff Eleanor Wilson, by and  
3 through her counsel of record herein, has stipulated that plaintiff's alleged  
4 damages, inclusive of interest, costs, and attorneys' fees, are under \$75,000, that  
5 plaintiff will not seek more than \$75,000 in state court, that plaintiff will not  
6 accept more than \$75,000 at trial, that there is no potential claim for damages in  
7 this case that exceeds \$75,000, and that plaintiff waives any right to avoid the  
8 stipulation based on newly-discovered or unknown facts, as set forth in the  
9 Stipulation attached hereto as Exhibit "1";

10       **WHEREAS**, the parties hereby acknowledge that based on plaintiff's post  
11 removal stipulation as to the reduced amount in controversy, the amount in  
12 controversy no longer satisfies the jurisdictional requirements to maintain this  
13 action in the United States District Court pursuant to 28 U.S.C. §§ 1332 and 1441;

14       **IT IS HEREBY STIPULATED**, by and between the parties, through their  
15 respective counsel of record, that the entire above-captioned action be remanded to  
16 the Superior Court for the State of California for the County of Sonoma.  
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1       **IT IS HEREBY FURTHER STIPULATED**, that a remand shall not affect  
2 defendant's right to remove the action again and seek monetary sanctions if  
3 plaintiff tries to avoid the amount in controversy stipulation.  
4

5 Dated: August 31, 2010  
6

7 LAW OFFICES OF WILLIAM G. McDEVITT

8  
9 By:   
10 William G. McDevitt

11 Attorneys for Plaintiff,  
12 ELEANOR WILSON, by and through her  
13 Guardian, DEBORAH GRAY  
14

15 Dated: August 31, 2010  
16

17 MORRIS POLICH & PURDY LLP

18 By:   
19 Michael P. West, Esq.  
20 Lori D. Marquardt, Esq.

21 Attorneys for Defendant,  
22 SUNRISE SENIOR LIVING  
23 MANAGEMENT, INC.  
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8 Attorneys for Defendant,  
9 **SUNRISE SENIOR LIVING MANAGEMENT, INC.**

10  
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12  
13 **FOR THE COUNTY OF SONOMA - SANTA ROSA DIVISION**

14 **ELEANOR WILSON**, by and through her  
15 Guardian Ad Litem, **DEBORAH GRAY**,

16 Plaintiff,

17 vs.

18 **SUNRISE OF PETALUMA**, and Does 1 to 20,  
19 inclusive,

20 Defendants.

Case No.: SCV 246937

[United States District Court Case No.:  
CV-10 2880 EMC]

**STIPULATION RE: AMOUNT IN  
CONTROVERSY**

[Complaint Filed: February 26, 2010]  
Trial Date: None Set

21 Plaintiff Eleanor Wilson ("plaintiff") and defendant Sunrise Senior Living Management, Inc.  
22 ("defendant"), by and through their respective counsel of record, hereby stipulate to the following  
23 terms regarding the amount in controversy in the above-captioned matter:

24 1. Plaintiff's alleged damages, inclusive of interest, costs, and attorneys' fees, are under  
25 \$75,000;

26 2. Plaintiff will not seek more than \$75,000 in the Superior Court of the State of California  
27 for the County of Sonoma;

28 3. Plaintiff will not accept more than \$75,000 at trial in this matter;

4. There is no potential claim for damages in this case, inclusive of interest, costs, and  
attorneys' fees, that exceeds \$75,000; and,

1 5. Plaintiff waives any right to avoid the stipulation based on newly-discovered or  
2 unknown facts.

3 It is further stipulated that in reliance on the express terms of the stipulation regarding the  
4 amount in controversy, defendant has agreed to stipulate to remand the entire action which had been  
5 removed to the United States District Court for the Southern District of California back to the  
6 Superior Court of California for the County of Sonoma.

7  
8 Dated: <sup>Sept</sup> ~~August~~ 17, 2010

9 LAW OFFICES OF WILLIAM G. McDEVITT

10  
11 By:   
12 William G. McDevitt

13 Attorneys for Plaintiffs,  
14 ELEANOR WILSON, by and through her  
15 Guardian, DEBORAH GRAY

16 Dated: <sup>September</sup> ~~August~~ 17, 2010

17 MORRIS POLICH & PURDY, LLP

18  
19 By:   
20 Michael P. West, Esq.

21 Attorneys for Defendant, SUNRISE SENIOR  
22 LIVING MANAGEMENT, INC.  
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**CERTIFICATE OF SERVICE**

*Wilson, et al. vs. Sunrise Senior Living Management, Inc.*

*U.S. District Court – Northern District – San Francisco- Case No. CV 10 2880 EMC*

I, Jeri Lynn Gregory, certify and declare as follows:

I am over the age of 18 years and not a party to this action.

My business address is 1055 W. Seventh Street, 24<sup>th</sup> Floor, Los Angeles, California 90017, which is located in the city, county and state where the mailing described below took place.

On September 20, 2010, pursuant to the Court's Electronic Filing System, I submitted an electronic version of the following document(s) via file transfer protocol to ECF (Electronic Case Filing)

**“[PROPOSED] ORDER TO REMAND UPON STIPULATION”**

and a true copy of this document was served electronically upon all counsel of record by the Court's CM/ECF System, or if such service is not authorized, by first class mail, in accordance with Rule 5 of the Federal Rules of Civil Procedure.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made

Executed on September 20, 2010, at Los Angeles, California.

  
Jeri Lynn Gregory